

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DENISE GRAVES,
Plaintiff

vs

RICHARD GOODWIN,
Defendant

Case No. 1:09-cv-852
Barrett, J.
Litkovitz, M.J.

**REPORT AND
RECOMMENDATION**

This matter is before the Court on plaintiff's motion to reopen case (Doc. 12), which the Court liberally construes as a motion to alter or amend judgment. Plaintiff seeks reconsideration of the Court's December 16, 2009 dismissal order and judgment. (Docs. 7, 8).

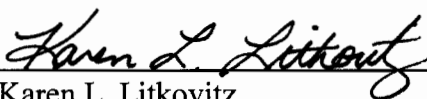
As a general rule, motions for reconsideration are not favored unless the movant demonstrates: "(1) a manifest error of law; (2) newly discovered evidence which was not available previously to the parties; or (3) intervening authority." *Meekison v. Ohio Dept. of Rehabilitation and Correction*, 181 F.R.D. 571, 572 (S.D. Ohio 1998) (citing *Harsco Corp. v. Zlotnicki*, 779 F.2d 906, 909 (3d Cir. 1985), *cert. denied*, 476 U.S. 1171 (1986)). The Court has carefully reviewed plaintiff's motion and the authorities cited therein. In this case, there is no intervening change of controlling law, nor has plaintiff submitted new evidence. The Court is not aware of any need to correct a clear error or to prevent manifest injustice. Instead, plaintiff has simply reargued the issues upon which she was not successful before this Court.

Plaintiff has not alleged any facts or cited any legal authority which suggests that reconsideration of the Court's Order of dismissal is warranted. If plaintiff wishes to obtain review of the Court's decision and orders, she must pursue an appeal to the United States Court

of Appeals for the Sixth Circuit.

Accordingly, it is hereby **RECOMMENDED** that plaintiff's motion to reopen be
DENIED.

Date: 9/1/2011



Karen L. Litkovitz
United States Magistrate Judge

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